

AMENDED IN SENATE MARCH 8, 2001

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SENATE BILL

No. 19

Introduced by Senator Escutia

(Principal coauthor: Senator Alpert)

**(Coauthors: Senators ~~Kuehl, Ortiz~~ Bowen, Kuehl, Ortiz, Speier,
and Torlakson)**

(Coauthors: Assembly Members Alquist, Aroner, Cedillo, Firebaugh,
Keeley, and Strom-Martin)

December 4, 2000

An act to add Article 2.5 (commencing with Section 49430) to Chapter 9 of Part 27 of the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

SB 19, as amended, Escutia. Pupil health.

(1) Existing law requires the governing board of a school district to give diligent care to the health and physical development of pupils.

This bill would require every school to publicize a summary of nutrition and physical activity laws, regulations, and school district policies and would require the State Department of Education and school districts to develop the summary.

(2) Existing law requires that 50% of the items, other than foods reimbursed under federal law, offered for sale each schoolday at any schoolsite by any entity or organization during regular school hours be selected from a prescribed list of foods.

The bill would require the sale of all foods on school grounds to be approved by the school food service program.

The bill would prohibit foods that are not approved by the school food service program from being sold during the schoolday at elementary schools and require items that are sold during specified breaks to meet certain standards applicable to foods sold in secondary schools. The bill would restrict the sale of ~~candy and soft drinks~~ specified beverages at secondary schools. The bill would require all foods sold or served ~~during school hours on the schoolsite of a secondary school~~ outside of the federal school meal program to meet specified requirements relating to the fat and sugar content of foods and portion sizes of foods. The bill would require fruits and vegetables to be offered for sale at any location on the schoolsite of a secondary school where competitive foods are sold.

~~The bill would require drinking water and cups to be offered with meals for pupil consumption at no charge to pupils.~~

(3) Existing law requires the Superintendent of Public Instruction to reimburse school districts for certain costs associated with free and reduced-price meals.

This bill would require that reimbursement to be increased to 26¢ per meal.

(4) Existing law provides for various advisory committees to be formed at the school district level.

This bill would authorize a school district to convene a Child Nutrition and Physical Activity Advisory Committee that would develop and recommend to the governing board of the school for its adoption a school district policy on nutrition and physical activity. The committee would include food service directors and staff, parents, pupils, dietitians, doctors, nurses, and interested community organizations. In developing the policy, the committee would be required to hold at least one public hearing. The bill would require the State Department of Education to provide a \$10,000 grant to a school district that develops and adopts a policy by December 31, 2002.

(5) By imposing new requirements on school districts, the bill would impose state-mandated local programs.

(6) This bill would require the Superintendent of Public Instruction to supervise the implementation of certain provisions enacted by the bill by monitoring schools every 2 years and to investigate acts of alleged noncompliance. If the Superintendent of Public Instruction finds that a school district or county superintendent of schools fails to comply with those provisions, the superintendent would be required to certify the noncompliance to the Attorney General who would be required to



investigate, if necessary, to document the noncompliance and seek injunctive relief to secure compliance when requested by the superintendent.

(7) *This bill would require the State Department of Education, with advice from the Child Nutrition Advisory Council, to design and implement a financial incentive grant program to help and encourage schools to implement their policies and meet specified goals.*

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares as follows:

2 (a) Childhood obesity has reached epidemic levels in
3 California and throughout the nation. Recent studies have shown
4 that more than 30 percent of California youth are overweight and
5 that adolescent obesity has doubled over the past two decades. In
6 some California school districts, as many as 50 percent of pupils
7 are overweight.

8 (b) Overweight and obese children are at higher risk for
9 long-term health problems, including cardiovascular disease,
10 stroke, hypertension, high blood pressure, gallbladder disease,
11 Type 2 diabetes, asthma, and certain cancers. The lives of
12 overweight youth are often also affected by discrimination,
13 psychological stress, poor body image, and low self-esteem.
14 Eighty percent of obese adolescents remain obese as adults.

15 (c) Two-thirds of all deaths in California result from four
16 chronic diseases: heart disease, cancer, stroke, and diabetes.
17 Health experts agree that one of the most effective ways to prevent

1 these chronic diseases is to establish policies and programs that
2 encourage children and adolescents to develop healthy eating and
3 exercise habits they can maintain throughout their lives.

4 (d) A child who is physically healthy is more likely to be
5 academically motivated, alert, and successful. Results from the
6 1999 Physical Fitness test showed that only 20 percent of pupils
7 in grades 5, 7, and 9 met the requirement to be considered fit.

8 (e) Healthy eating also plays an important role in learning and
9 cognitive development. Poor diet has been found to adversely
10 influence the ability to learn and to decrease motivation and
11 attentiveness.

12 (f) The school environment plays an influential role in the
13 foods children eat nearly every day. While the United States
14 Department of Agriculture (USDA) regulates the nutrient content
15 of meals sold under its reimbursable meal program, similar
16 standards do not exist for “competitive foods” that are sold
17 outside the USDA meal programs. Competitive foods are often
18 very high in added sugar, sodium, and fat.

19 (g) The state’s support of school food services is inadequate.
20 The State Department of Education monitors schools only once
21 every five years and lacks the resources to provide any technical
22 assistance. The last time the state increased the state meal subsidy,
23 beyond a cost-of-living adjustment, was in 1981, leaving
24 California ranked 41st in the nation in school meal reimbursement
25 rates. In order to generate revenue, many schools sell or allow
26 vendors to sell competitive foods on campus.

27 (h) In a survey conducted in 2000, 95 percent of responding
28 California school districts reported that they sell fast foods, the
29 most common of which are sodas, pizza, cookies, chips, and
30 burritos, contributing to the fact that carbonated drinks are the
31 single biggest source of refined sugars in the American diet,
32 approximately 70 percent of children in the United States who are
33 2 to 11 years of age exceeded current dietary recommendations for
34 intakes of total and saturated fat, and only 21 percent of California
35 children meet the goal of eating five servings of fruits and
36 vegetables per day.

37 SEC. 2. Article 2.5 (commencing with Section 49430) is
38 added to Chapter 9 of Part 27 of the Education Code, to read:
39



Article 2.5. The Pupil Nutrition, Health, and Achievement Act
of 2001

49430. (a) The reimbursement a school receives for free and reduced-price meals shall be increased to twenty-six cents (\$0.26).

(b) A school shall receive a reimbursement of thirteen cents (\$0.13) for meals sold at full price.

(c) To qualify for the increased reimbursement for free and reduced-price meals and for the reimbursement for meals sold at full price, a school shall follow the United States Department of Agriculture's Enhanced Food Based Meal Pattern, the United States Department of Agriculture's Nutrient Standard Meal Planning, or California's SHAPE Menu Patterns and shall comply with Section 49431.

49431. (a) The sale of all foods on school grounds shall be approved by the school food service program.

~~(b) Candy or soft drinks may not be sold or served at elementary or middle schools. Candy and soft drinks may be sold at high schools only after the end of the last lunch period. Foods containing 40 percent or more added sugar or sweeteners by weight may not be sold or served during the schoolday at any school. Any juice or juice product sold or served shall contain a minimum of 50 percent real juice. A school or school district that has a contract with a food or beverage company may complete the terms of that contract. A contract may not be renewed if it violates state law or school district nutrition and physical activity policies.~~

~~(c) All foods sold or served during school hours outside of the federal school meal program shall do all of the following:~~

~~(1) Have less than 10 percent total calories from saturated fat (1 gram saturated fat per 100 calories).~~

~~(2) Contain less than 30 percent of its total calories from fat (3 grams fat per 100 calories).~~

~~(3) Contain less than 2 grams of added sugar per serving (50 gram serving size).~~

~~(d) Drinking water and cups shall be offered with meals for pupil consumption at no charge to pupils.~~

(b) Foods that are not approved by the school food service program shall not be sold during the schoolday at elementary schools. Individual items sold during morning or afternoon breaks

1 *at elementary schools shall meet the standards for foods sold at*
2 *secondary high schools, as set forth in subdivision (c).*
3 *(c) (1) The following beverages shall not be sold at secondary*
4 *schools:*
5 *(A) Soft drinks, sports drinks, punches, and iced teas.*
6 *(B) Fruit-based drinks that contain less than 50 percent real*
7 *fruit juice or that contain additional sweeteners.*
8 *(C) Drinks containing caffeine, excluding chocolate milk.*
9 *(2) The following beverages may be sold at secondary schools:*
10 *(A) Fruit-based drinks that contain at least 50 percent fruit*
11 *juice and that do not contain additional sweeteners.*
12 *(B) Water.*
13 *(C) Low-fat or nonfat milk, including, but not limited to,*
14 *chocolate milk.*
15 *(3) All snacks, sweets, or side dishes sold or served on the*
16 *schoolsite of a secondary school outside of the federal school meal*
17 *program shall meet all of the following standards:*
18 *(A) Have 30 percent or less of its total calories from fat.*
19 *(B) Have 10 percent or less of its total calories from saturated*
20 *fat.*
21 *(C) Have 35 percent or less of its total calories by weight from*
22 *sugar, excluding fruits and vegetables.*
23 *(D) Be limited to the following maximum portion sizes:*
24 *(i) One and one-quarter ounces for chips, crackers, popcorn,*
25 *cereal, trail mix, nuts, seeds, dried fruit, or jerky.*
26 *(ii) Two ounces for cookies or cereal bars.*
27 *(iii) Three ounces for bakery items, including, but not limited*
28 *to, pastries, muffins, and donuts.*
29 *(iv) Three ounces for frozen desserts, including, but not limited*
30 *to, ice cream.*
31 *(v) Eight ounces for nonfrozen yogurt.*
32 *(vi) Twelve ounces for beverages, excluding water.*
33 *(vii) Entree items and side dishes, including, but not limited to,*
34 *french fries and onion rings, shall be no larger than the portions*
35 *of those foods served as part of the federal school meal program.*
36 *(4) Fruits and vegetables shall be offered for sale at any*
37 *location on the schoolsite of a secondary school where competitive*
38 *foods are sold.*
39 49432. Every school shall publicize a summary of nutrition
40 and physical activity laws, regulations, and school district policies

1 by posting the summary in public view within all school cafeterias
2 and distributing it to parents annually. The State Department of
3 Education and school districts shall develop the summary. The
4 department shall develop the portion on state law and regulations.
5 Each school district shall develop the part of the summary on local
6 policies.

7 ~~49435.~~

8 49433. (a) A school district may convene a Child Nutrition
9 and Physical Activity Advisory Committee that shall develop and
10 recommend to the governing board of the school for its adoption
11 a school district policy on nutrition and physical activity. The
12 committee shall include food service directors *and staff*, parents,
13 pupils, dietitians, health care professionals, and interested
14 community organizations. In developing the policy, the committee
15 shall hold at least one public hearing.

16 (b) The policy shall address the following issues and goals:

17 (1) Ensuring that no pupil is hungry and that a healthy and
18 nutritious breakfast, lunch, and after-school snack is available to
19 every pupil at every school so that pupils are prepared to learn to
20 their fullest potential.

21 (2) Improving nutritional standards, food quality, and choices.

22 (3) Increasing availability of fresh fruits and vegetables and
23 other foods high in minerals, calcium, zinc, magnesium, Vitamins
24 A, C, and E, and fiber, and low in sodium, fat, sugar, cholesterol,
25 and transfatty acids in all school related food sites.

26 (4) Ensuring that the food served shall be fresh, to the
27 maximum extent possible, via partnerships with farms, school
28 gardens, and local farmers markets.

29 (5) Encouraging eligible pupils to participate in the school
30 lunch program by removing barriers to the program.

31 (6) Integrating nutrition and physical activity into the overall
32 curriculum.

33 (7) Ensuring regular professional development for food
34 services staff.

35 (8) Ensuring pupils a minimum of 30 minutes to eat lunch and
36 20 minutes to eat breakfast.

37 (9) Ensuring pupils engage in healthful levels of vigorous
38 physical activity.

39 (10) Ensuring pupils engage in meaningful, effective nutrition
40 education.

1 (11) Improving the quality of physical education curricula and
2 increasing training of physical education teachers.

3 (12) Enforcing existing physical education requirements.

4 (13) Altering the economic structures in place to encourage
5 healthy eating by pupils and reduce dependency on generating
6 profits for the school from the sale of unhealthy foods.

7 (14) Reducing marketing and advertising of commercial brand
8 food products on school campuses.

9 (15) Developing a financing plan to implement the policy
10 relying on state and federal funds, private sector partnerships, and
11 other resources.

12 (c) A school district that develops and adopts a policy by
13 December 31, 2002, shall receive a ten-thousand-dollar (\$10,000)
14 grant from the State Department of Education, subject to an
15 appropriation being made for that purpose.

16 49434. The Superintendent of Public Instruction shall
17 supervise the implementation of this article and shall investigate
18 acts of alleged noncompliance. If the Superintendent of Public
19 Instruction finds that a school district or county superintendent of
20 schools has failed to comply with the provisions of this article, the
21 Superintendent of Public Instruction shall certify this
22 noncompliance to the Attorney General. The Attorney General
23 shall investigate, if necessary, to document the noncompliance.
24 The Attorney General shall seek injunctive relief to secure
25 compliance with this article when requested by the Superintendent
26 of Public Instruction. The Superintendent of Public Instruction
27 shall ensure the implementation and enforcement of all of the
28 provisions in this article by monitoring schools every two years.

29 49435. The State Department of Education, with advice from
30 the Child Nutrition Advisory Council, shall design and implement
31 a financial incentive grant program to help and encourage schools
32 to implement their policies and meet the goals described in
33 subdivision (b) of Section 49433.

34 SEC. 3. Notwithstanding Section 17610 of the Government
35 Code, if the Commission on State Mandates determines that this
36 act contains costs mandated by the state, reimbursement to local
37 agencies and school districts for those costs shall be made pursuant
38 to Part 7 (commencing with Section 17500) of Division 4 of Title
39 2 of the Government Code. If the statewide cost of the claim for
40 reimbursement does not exceed one million dollars (\$1,000,000),

- 1 reimbursement shall be made from the State Mandates Claims
- 2 Fund.

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